

Minutes of the Regular Business Meeting of the
Board of Mayor and Aldermen of the City of Kingsport, Tennessee
Tuesday, September 21, 2010, 7:00 PM
Large Court Room – City Hall

PRESENT:

Board of Mayor and Aldermen

Mayor Dennis R. Phillips, Presiding

Alderman Valerie Joh

Vice-Mayor Benjamin K. Mallicote

Alderman Larry A. Munsey

Alderman Tom C. Parham

Alderman Jantry Shupe

City Administration

John G. Campbell, City Manager

J. Michael Billingsley, City Attorney

James H. Demming, City Recorder

- I. **CALL TO ORDER:** 7:00 p.m., by Mayor Dennis R. Phillips.
- II.A. **PLEDGE OF ALLEGIANCE TO THE FLAG:** State Representative Tony Shipley.
- II.B. **INVOCATION:** By Andrew Amodei, Associate Minister – First Broad Street United Methodist Church. Mr. Amodei provided the BMA an update on Clark Jenkins, the former senior pastor of First Broad Street United Methodist Church.
- III. **ROLL CALL:** By City Recorder Jim Demming. Absent: Alderman Charles K. Marsh, Jr.
- IV. **RECOGNITIONS AND PRESENTATIONS.**
 1. Representative Tony Shipley presented a photograph of the first Dobyns-Bennett band from 1927 to Kingsport Superintendent of Schools Dr. Richard Kitzmiller. In addition, a copy of the photograph was presented to the BMA.
 2. Mayor Phillips read a proclamation recognizing that Dr. Richard Kitzmiller has been named the Superintendent of the Year in the State of Tennessee by the Tennessee Organization of School Superintendents.
 3. **KEEP KINGSFORT BEAUTIFUL BEAUTIFICATION AWARDS.** Megan Watson presented and narrated a pictorial slide presentation of landscapes showing the various properties selected to receive Keep Kingsport Beautiful Award honors sponsored by Blue Ridge Properties for September 2010. Alderman Parham commended the award winners on their contributions and presented award certificates to those honorees in attendance.

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V. APPROVAL OF MINUTES.

Motion/Second: Joh/Shupe, to approve minutes for the following meetings:

- A. September 7, 2010 Regular Work Session
- B. September 7, 2010 Regular Business Meeting

Approved: All present voting "aye."

VI. COMMUNITY INTEREST ITEMS.

AA. PUBLIC HEARINGS.

1. Public Hearing for Annexation Annual Plan of Services Report
(AF: 284-2010). City Planner Forrest Koder provided an update on this report.

PUBLIC COMMENT ON ITEM VI.AA.1. None.

2. Public Hearing and Consideration of an Ordinance to Amend the Zoning Code and Text Governing Nonconforming Uses (AF: 288-2010). City Planner Karen Combs provided an update on this item and requested that the BMA defer action on this ordinance to allow the staff time to make some technical corrections that have recently come to the staff's attention. The public hearing was held.

PUBLIC COMMENT ON ITEM VI.AA.2. None.

Motion/Second: Parham/Munsey, to pass:
AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF KINGSPORT,
TENNESSEE, SECTION 114-8; AND TO FIX THE EFFECTIVE DATE OF THIS
ORDINANCE

Motion/Second: Joh/Mallicote, to defer this item to a future date:
AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF KINGSPORT,
TENNESSEE, SECTION 114-8; AND TO FIX THE EFFECTIVE DATE OF THIS
ORDINANCE

Passed: All present voting "aye."

3. Public Hearing and Consideration of an Ordinance to Amend the Zoning Code and Text Regulating Shopping Center Parking Standards
(AF: 289-2010). City Planner Karen Combs provided details on this item. Alderman Joh commented that this ordinance would reduce the large unused parking lots and make them more favorable for development. Ms. Combs addressed concerns raised by Vice-Mayor Mallicote regarding the impact on the number of parking spaces for additional retail development due to the additional green space required by this ordinance.

PUBLIC COMMENT ON ITEM VI.AA.3. None.

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Motion/Second: Mallicote/Shupe, to pass:

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF KINGSPORT, TENNESSEE, SECTION 114-603; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

4. Public Hearing and Consideration of an Ordinance to Amend the Zoning Code and Text Governing Development Plans and Building Permits in the B-4P, Planned Business District (AF: 290-2010). City Planner Karen Combs provided details on this request and in response to Vice-Mayor Mallicote's question, noted that this action will provide a better clarification of certain provisions in the existing code of ordinances.

PUBLIC COMMENT ON ITEM VI.AA.3. None.

Motion/Second: Shupe/Joh, to pass:

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF KINGSPORT, TENNESSEE, SECTION 114-253; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

A. PUBLIC COMMENT. Mayor Phillips invited citizens in attendance to speak about any of the remaining agenda items. There being no one coming forward to speak, the Mayor closed the public comment segment.

B. BUSINESS MATTERS REQUIRING FIRST READING.

1. Consideration of an Ordinance to Appropriate Funds Received from the National Recreation and Park Association (NRPA) for an After School Archery Program (AF: 300-2010).

Motion/Second: Joh/Shupe, to pass:

AN ORDINANCE TO AMEND THE GENERAL FUND BUDGET BY APPROPRIATING GRANT FUNDS RECEIVED FROM THE NATIONAL ALLIANCE FOR THE DEVELOPMENT OF ARCHERY (NADA) AND THE NATIONAL RECREATION AND PARK ASSOCIATION (NRPA) AFTER SCHOOL ARCHERY GRANT FOR THE YEAR ENDING JUNE 30, 2011; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

2. Consideration of an Ordinance to Amend Various Projects and Operating Budgets by Transferring Funds (AF: 309-2010).

Motion/Second: Munsey/Parham, to pass:

AN ORDINANCE TO AMEND VARIOUS FUND BUDGETS FOR THE FISCAL YEAR ENDING JUNE 30, 2011; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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Passed on first reading: All present voting "aye."

3. Consideration of an Ordinance to Amend the Fleet Fund by Appropriating Funds to Purchase Six Additional Police Sedans, One Automated Refuse Truck and Industry Drive Fuel Site Upgrade (AF: 310-2010). City Manager Campbell noted that due to the end of production of current models of police cruisers and the expected price increase with the new models, the City would save approximately \$32,000 by purchasing 6 police cruisers now rather than waiting until next year. These 6 vehicles were scheduled to be purchased next year. Alderman Parham noted that these police vehicles were replacements and not additions to the fleet. Public Works Director Ryan McReynolds provided details on the request for acquiring the automated refuse truck. He further addressed Alderman Joh's question regarding the process of setting up newly annexed households with garbage service.

Motion/Second: Joh/Parham, to pass:

AN ORDINANCE TO AMEND THE FLEET FUND BUDGET BY APPROPRIATING FUNDS FOR THE YEAR ENDING JUNE 30, 2011; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

4. Consideration of a Resolution Authorizing a Three-Year Capital Outlay Note and an Ordinance Appropriating Funds from the Fleet Fund for the Purchase of the Voice Over Internet Protocol Telephone System (AF: 319-2010). Assistant to the City Manager Chris McCartt provided details on this request. He described a pending price increase with the City's current phone service provider, CenturyLink, and provided several options for moving forward with the acquisition of the VoIP system and the expected savings. Information Services Manager Terry Wexler provided additional information on the condition of the City's existing network system which the VoIP system will have to work with. He further noted the current need to upgrade/replace the existing network and the previous plans to include the item in next year's Capital Improvement Program. The estimated cost of the network replacement is approximately \$400,000. Vice-Mayor Mallicote noted his concern about the BMA being asked to consider an expenditure of \$721,000 that is not included in the current budget and it is only 75 days into the current budget year. Alderman Munsey noted his concerns regarding the difference in the numbers presented last night at the work session with those presented tonight along with the timing of this request in lieu of the current economic situation. BMA discussion continued noting the need for the network and phone system improvements with Assistant to the City Manager McCartt responding to various questions and concerns. With no objections, by acclamation, the BMA postponed action on this item until the next BMA meeting.

This item was postponed until the October 5, 2010 regular BMA meeting.

RESOLUTION OF THE CITY OF KINGSPORT, TENNESSEE, AUTHORIZING THE
ISSUANCE OF INTEREST BEARING GENERAL OBLIGATION CAPITAL OUTLAY

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NOTES, SERIES 2010, IN AN AMOUNT NOT TO EXCEED SEVEN HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$725,000), AND PROVIDING FOR THE PAYMENT OF SAID NOTES

Postponed: This item was postponed until the October 5, 2010 regular BMA meeting.

AN ORDINANCE TO AMEND THE FLEET FUND AND THE GENERAL FUND BY APPROPRIATING FUNDS FROM THE FLEET FUND UNDESIGNATED FUND BALANCE FOR THE PURCHASE OF THE VOICE OVER INTERNET PROTOCOL TELEPHONE SYSTEM FOR THE CITY OF KINGSFORT FOR THE FISCAL YEAR ENDING JUNE 30, 2011; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Postponed: This item was postponed until the October 5, 2010 regular BMA meeting.

C. BUSINESS MATTERS REQUIRING FINAL ADOPTION. NONE.

D. OTHER BUSINESS.

1. Consideration of a Resolution Authorizing the Mayor to Execute All Documents Necessary to Apply for and Receive the Solid Waste Recycling Rebate Grant from the Tennessee Department of Environment and Conservation (TDEC) Solid Waste Management Division (AF: 307-2010).

Motion/Second: Joh/Shupe, to pass:

Resolution No. 2011-071, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO APPLY FOR AND RECEIVE A SOLID WASTE RECYCLING REBATE GRANT FROM THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION SOLID WASTE MANAGEMENT DIVISION

Passed: All present voting "aye."

2. Consideration of a Resolution Authorizing the Reimbursement of Materials Agreement Funds to George Hunt for Hunt's Crossing Phase II Development (AF: 293-2010).

Motion/Second: Parham/Munsey, to pass:

Resolution No. 2011-072, A RESOLUTION AUTHORIZING REIMBURSEMENT OF MATERIALS AGREEMENT FUNDS TO GEORGE HUNT FOR HUNT'S CROSSING PHASE II DEVELOPMENT

Passed: All present voting "aye."

3. Consideration of a Resolution Authorizing the Mayor to Execute All Documents Necessary for Participation in the Early Retiree Reinsurance Program Through the Department of Health and Human Services (AF: 308-2010). City Attorney Mike Billingsley provided details on this item and further explained the compensation arrangement of the proposed agreement.

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Motion/Second: Mallicote/Munsey, to pass:

Resolution No. 2011-073, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH RDS SERVICES, LLC AND ALL DOCUMENTS NECESSARY AND PROPER TO APPLY FOR THE EARLY RETIREE REINSURANCE PROGRAM THROUGH THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES

Passed: All present voting "aye."

4. Consideration of a Resolution Donating the Shelby Street Parking Lot to the Kingsport Economic Development Board (AF: 313-2010). City Manager John Campbell provided details on this item noting that the construction of the parking facility would take approximately 7 months.

Motion/Second: Joh/Shupe, to pass:

Resolution No. 2011-074, A RESOLUTION AUTHORIZING DONATION OF REAL PROPERTY COMMONLY KNOWN AS THE SHELBY STREET PARKING LOT TO THE KINGSPORT ECONOMIC DEVELOPMENT BOARD AND AUTHORIZING THE MAYOR TO EXECUTE AN APPROPRIATE DEED AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO CONVEY THE PROPERTY TO THE KINGSPORT ECONOMIC DEVELOPMENT BOARD SUBJECT TO CERTAIN CONDITIONS

Passed: All present voting "aye."

5. Consideration of a Resolution Authorizing the Mayor to Execute an Agreement with the Industrial Development Board of the City of Kingsport (KEDB) to Facilitate the Creation and Development of the Downtown Parking Garage (AF: 314-2010). City Manager John Campbell provided details on this request noting the option of additional parking spaces to complete the top floor of the garage. Discussion continued by the BMA regarding the need and funding for the additional spaces. The needed funding for the additional 41 parking spaces (\$395,557) would come from funds remaining in the Kingsport Center for Higher Education construction project.

Motion/Second: Munsey/Joh, to pass:

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF KINGSPORT, TENNESSEE (KEDB) TO FACILITATE THE CREATION AND DEVELOPMENT OF THE DOWNTOWN PARKING GARAGE

Vice-Mayor Mallicote moved, and Alderman Parham seconded, to amend the resolution to provide for an additional 41 parking spaces at an additional cost of \$395,557.

Passed: All present voting "aye."

Motion/Second: Mallicote/Parham, to pass, as amended:

Resolution No. 2011-075, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE INDUSTRIAL DEVELOPMENT BOARD OF

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THE CITY OF KINGSFORT, TENNESSEE (KEDB) TO FACILITATE THE CREATION
AND DEVELOPMENT OF THE DOWNTOWN PARKING GARAGE

Passed: All present voting "aye."

City Manager Campbell responded to a question from Vice-Mayor Mallicote noting that the project would get the appropriate amount of funding for public art.

6. Consideration of a Resolution Authorizing a Deductive Change Order to the Contract with J.A. Street & Associates, Inc. for the Kingsport Center for Higher Education and Authorize the Mayor to Execute All Documents Necessary for the Change Order (AF: 317-2010). City Manager John Campbell provided details on this request.

Motion/Second: Joh/Mallicote, to pass:

Resolution No. 2011-076, A RESOLUTION APPROVING CHANGE ORDER #3 TO THE CONTRACT WITH J.A. STREET & ASSOCIATES, INC. FOR THE KINGSFORT CENTER FOR HIGHER EDUCATION (KCHE) AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE CHANGE ORDER

Passed: All present voting "aye."

7. Consideration of a Resolution Accepting the Donation of "Learning Curve" from Kingsport Tomorrow (AF: 315-2010).

Motion/Second: Shupe/Parham, to pass:

Resolution No. 2011-077, A RESOLUTION ACCEPTING A DONATION OF "LEARNING CURVE" SCULPTURE FROM KINGSFORT TOMORROW BY ARTIST LYNN BASA

Passed: All present voting "aye."

8. Consideration of a Resolution Awarding the Bid for the Purchase of Various Water and Sewer Maintenance Items to Hayes Pipe Supply, Inc. & G C Supply, Inc. (AF: 318-2010).

Motion/Second: Joh/Shupe, to pass:

Resolution No. 2011-078, A RESOLUTION AWARDING THE BID FOR PURCHASE OF VARIOUS WATER AND SEWER MAINTENANCE ITEMS TO HAYES PIPE SUPPLY, INC. AND G C SUPPLY, INC. AND AUTHORIZING THE CITY MANAGER TO EXECUTE PURCHASE ORDERS FOR THE SAME

Passed: All present voting "aye."

9. Consideration of a Resolution to Extend the Visitor Enhancement Program Advisory Board and Providing for the Appointment of Members to the Board (AF: 306-2010).

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Motion/Second: Parham/Joh, to pass:

A RESOLUTION EXTENDING THE VISITOR ENHANCEMENT PROGRAM ADVISORY BOARD AND PROVIDING FOR THE APPOINTMENT OF MEMBERS OF THE BOARD

Vice-Mayor Mallicote questioned why there was a sunset provision for this Board. After further discussion among the BMA, Vice-Mayor Mallicote moved and Alderman Shupe seconded to amend the above resolution by eliminating all references to the sunset provisions and that this advisory board continue into perpetuity.

Passed: All present voting "aye."

Vice-Mayor Mallicote also noted the need for the BMA to establish some written guidelines for the Visitor Enhancement Advisory Board regarding the type and amount of expenditures coming out of this fund. City Manager Campbell noted that the Board had recently discussed this matter and would be presenting some information to the BMA in the near future. Vice-Mayor requested this item be included on the BMA's tickler report.

Motion/Second: Parham/Joh, to pass, as amended:

Resolution No. 2011-079, A RESOLUTION EXTENDING THE VISITOR ENHANCEMENT PROGRAM ADVISORY BOARD AND PROVIDING FOR THE APPOINTMENT OF MEMBERS OF THE BOARD

Passed: All present voting "aye."

10. Consideration of a Resolution Authorizing Application for a TIGER II Planning Grant for I-81/I-26 Interchange Reconstruction Planning & Preliminary Engineering Report (AF: 312-2010).

Motion/Second: Joh/Munsey, to pass:

Resolution No. 2011-080, A RESOLUTION AUTHORIZING APPLICATION FOR A FEDERAL DEPARTMENT OF TRANSPORTATION TIGER II PLANNING GRANT ALLOWING FOR THE PRELIMINARY ENGINEERING OF THE I-81/I-26 INTERCHANGE

Passed: All present voting "aye."

11. Consideration of a Resolution to Enter into an Agreement with BCTI Consulting for the Purchase and Installation of a Voice Over Internet Protocol Telephone Service for the City of Kingsport (AF: 311-2010). With no objections, by acclamation, the BMA postponed action on this item until the next BMA meeting.

A RESOLUTION AWARDING THE BID FOR A VOICE OVER INTERNET PROTOCOL TELEPHONE SERVICE AND AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT WITH BAILEY COMPUTING TECHNOLOGIES, INC. AND ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF

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THE AGREEMENT

Postponed: This item was postponed until the October 5, 2010 regular BMA meeting.

E. APPOINTMENTS/REAPPOINTMENTS. NONE.

VII. CONSENT AGENDA.

Consent Agenda items are considered under one motion.

Motion/Second: Parham/Shupe, to adopt:

1. Consideration of an Ordinance for Sidewalk Construction Requirements Not Governed by Subdivision Regulations (AF: 283-2010).

Adopt:

Ordinance No. 6006, AN ORDINANCE AMENDING CHAPTER 94 OF THE KINGSFORT CITY CODE BY ADDING ARTICLE IX REQUIRING INSTALLATION OF SIDEWALKS IN CERTAIN AREAS OF THE CITY; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Joh, Mallicote, Munsey, Parham, Shupe and Phillips voting "aye."

2. Consideration of an Ordinance to Appropriate Funds Received from the East Tennessee Foundation and the Kingsport Community Foundation (AF: 297-2010).

Adopt:

Ordinance No. 6007, AN ORDINANCE TO AMEND THE GENERAL PROJECT FUND BUDGET BY APPROPRIATING FUNDS RECEIVED FROM THE EAST TENNESSEE FOUNDATION TO THE K-PLAY PROJECT FOR THE FISCAL YEAR ENDING JUNE 30, 2011; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Joh, Mallicote, Munsey, Parham, Shupe and Phillips voting "aye."

3. Consideration of an Ordinance to Amend the General Fund by Adjusting Budgets to Actual for Year End (AF: 299-2010).

Adopt:

Ordinance No. 6005, AN ORDINANCE TO AMEND THE GENERAL FUND FOR FISCAL YEAR ENDING JUNE 30, 2010; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Joh, Mallicote, Munsey, Parham, Shupe and Phillips voting "aye."

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VIII. COMMUNICATIONS.

A. CITY MANAGER. City Manager Campbell referenced United Way material at the BMA seats. He further described the process for sending the information to the City's employees. He also noted that the National League of Cities will be recognizing Kingsport's efforts with the academic village and other education initiatives with an award to be given at its upcoming annual conference. In addition, he reminded the BMA that the Tennessee Valley Showcase is this weekend.

B. MAYOR AND BOARD MEMBERS. Alderman Joh commented that fall is supposed to arrive tomorrow and hopes that it will be cooling off. She further noted that a lot of people have been hurt in this economy and we should keep them in our minds and prayers. Alderman Parham commented on Mr. Andy King's (Mariott) presentation last night, noting that the expansion project will be done soon and that the financials for the conference center look good for the upcoming year. Vice-Mayor Mallicote noted that the Tennessee Governor's Conference on Travel and Tourism is in Kingsport this year. It is being held this week on Thursday and Friday. City Manager Campbell mentioned that the Governor is planning on attending the event on Friday. Mayor Phillips noted that the V.O. Dobbins dedication and ribbon cutting event will be this Friday at 4:00 pm and the public is invited.

C. VISITORS. Mr. Courtland Grey (aka Dugan) addressed the BMA with questions regarding the I-81/I-26 Interchange project and related grant. City Manager Campbell responded to the questions and provided additional information on the grant and proposed project.

Ms. Barbara Brown commented on the discussions regarding the Voice over Internet Protocol Telephone System. She invited the BMA to the Downtown Kingsport's 3rd Annual Fall Show and Sale on Saturday, September 25th. She also noted that the Governor will be at an event at the Renaissance Center on Wednesday, September 29th from 11:00 am to 1:00 pm. She provided information on how to obtain tickets to the event.

IX. ADJOURN. Seeing no other business for consideration at this meeting, Mayor Phillips adjourned the meeting at 9:00 p.m.



JAMES H. DEMMING
City Recorder



DENNIS R. PHILLIPS
Mayor